

March 18, 2011

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
March 18, 2011

I. OPENING OF MEETING AT 11:00 A.M. AT 160 N. LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 18, 2011

WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR MEETING HELD FEBRUARY 18, 2011?

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions¹

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	145	10
Agriculture.....	418	16
Arts Council.....	19	2
Capitol Development Board	46	0
Central Management Services	1,402	115
Children and Family Services.....	2,947	48
Civil Service Commission	4	0
Commerce & Economic Opportunity	421	66
Commerce Commission.....	78	0
Corrections.....	11,708	103
Criminal Justice Authority.....	63	5
Deaf and Hard of Hearing Comm.....	7	1
Developmental Disabilities Council	9	1
Emergency Management Agency	91	7
Employment Security	1,884	29
Environmental Protection Agency.....	888	16
Financial & Professional Regulation	480	41
Gaming Board.....	88	5
Guardianship and Advocacy	108	7
Healthcare and Family Services.....	2,255	25
Historic Preservation Agency	189	9
Human Rights Commission	14	2
Human Rights Department	145	8
Human Services	13,354	77
Insurance.....	246	11
Investment Board.....	2	1
Juvenile Justice	1,237	20
Labor.....	77	7
Labor Relations Board Educational	12	2
Labor Relations Board State	15	2
Law Enforcement Training & Standards Bd.....	17	2
Medical District Commission	2	0
Military Affairs.....	123	3
Natural Resources	1,222	26
Pollution Control Board.....	21	1
Prisoner Review Board	19	0
Property Tax Appeal Board	21	1
Public Health	1,083	42
Racing Board	2	0
Revenue	2,018	56
State Fire Marshal.....	140	12
State Police	1,281	4
State Police Merit Board.....	6	1
State Retirement Systems	87	2
Transportation.....	3,942	0
Veterans' Affairs	1,231	8
Workers' Compensation Commission	176	8
TOTALS	49,743	802

¹ Source: Illinois Department of Central Management Services Report on Exempt Positions.

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C1. Illinois Department of Central Management Services – Proposed Exemption²

Position Number	40070-37-00-000-50-01 (previously 40070-37-03-50-05)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Governor’s ARRA Accountability Administrator
Incumbent	Julie O’Brien
Supervisor	Director
Location	Cook County

C2. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-02 (previously 40070-37-03-000-50-01)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Sangamon County

C3. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-03 (previously 40070-37-03-000-50-02)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Mary Collier
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Sangamon County

C4. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-04 (previously 40070-37-03-000-50-03)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Sangamon County

² Items C1 through C9 were previously granted exemption for 24 months on April 17, 2009.

C5. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-06 (previously 40070-37-03-000-50-06)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Cook County

C6. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-07 (previously 40070-37-03-000-50-07)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Sanjay Patel
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Cook County

C7. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-08 (previously 40070-37-03-000-50-08)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Meghann Smith
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Cook County

C8. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-09 (previously 40070-37-03-000-50-09)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Cook County

C9. Illinois Department of Central Management Services – Proposed Exemption

Position Number	40070-37-00-000-50-10 (previously 40070-37-03-000-50-04)
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office/American Recovery & Reinvestment Act-ARRA
Functional Title	Federal Stimulus Administrator
Incumbent	Vacant
Supervisor	Governor’s ARRA Accountability Administrator who reports to the Director
Location	Sangamon County

CMS Recommendation: “These positions continue to meet the responsibility and reporting criteria of the Commission Rules, and I recommend continuance of their 4d(3) exemption.”

D. Illinois Department of Commerce & Economic Opportunity – Proposed Exemption³

Position Number	40070-42-00-700-06-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Entrepreneurship, Innovation and Technology
Functional Title	Assistant Deputy Director
Incumbent	Vacant
Supervisor	Deputy Director who reports to the Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Insurance – Proposed Exemption

Position Number	37015-14-02-110-00-01
Position Title	Public Service Administrator
Bureau/Division	Legislative Affairs
Functional Title	Legislative Liaison
Incumbent	Vacant
Supervisor	Legislative Director who reports to the Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

³ The exemption for Item D was rescinded on May 21, 2010.

F. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-60-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Information Security
Functional Title	Chief Information Security officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- C1: Governor’s ARRA Accountability Administrator (CMS)**
- C2: Federal Stimulus Administrator (Central Management Services)**
- C3: Federal Stimulus Administrator (Central Management Services)**
- C4: Federal Stimulus Administrator (Central Management Services)**
- C5: Federal Stimulus Administrator (Central Management Services)**
- C6: Federal Stimulus Administrator (Central Management Services)**
- C7: Federal Stimulus Administrator (Central Management Services)**
- C8: Federal Stimulus Administrator (Central Management Services)**
- C9: Federal Stimulus Administrator (Central Management Services)**
- D: Assistant Deputy Director (Commerce & Economic Opportunity)**
- E: Legislative Liaison (Insurance)**
- F: Chief Information Security Officer (Revenue)**

G. Proposed rescission in accordance with Section 1.142 of the Rules of the Civil Service Commission (continued from February 18, 2011 meeting)

On January 18, 2011 the Executive Director of the Civil Service Commission sent notices to Central Management Services and each agency of the proposed rescission of the following 4d(3) exempt positions which may no longer meet the requirements for exemption. Section 1.142 provides that rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission. At the February 18, 2011 meeting this item was continued to the March 18, 2011 meeting.

Agency	Position Number	Functional Title
Juvenile Justice	40070-27-00-100-00-01	Deputy Director, Operations

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**WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION
B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?**

G: Deputy Director, Operations (Juvenile Justice)

V. CLASS SPECIFICATIONS

- None submitted.

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS
RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT
TO ALLOW ADEQUATE STUDY?**

VI. MOTION TO GO INTO EXECUTIVE SESSION

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN
MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO
CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR
SPECIFIED EMPLOYMENT MATTERS?**

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	1/31/11	2/28/11	2/28/10
Aging	1	1	1
Children and Family Services	4	4	4
Corrections	0	1	0
Employment Security	6	3	3
Healthcare and Family Services	2	1	2
Historic Preservation Agency	1	1	1
Human Services	6	2	0
Natural Resources	15	9	2
Property Tax Appeal Board	1	0	0
State Fire Marshal	1	1	0
Transportation	11	10	21
Totals	48	33	34

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-27-10

Employee	Jessica A. Hamilton	Appeal Date	12/22/09
Agency	HFS	Decision Date	03/04/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Violation of Employee Handbook (Nov. 1994) Sections 205.1a(10) and (15); and Section 210.4; Governor's Executive Order #4; Personnel Code 20 ILCS 415/13(2); current Employee Handbook Sections 605.1a#1, #4, #5, #10, #11, #15; and Section 625.1	Proposal for Decision	Charges are partially proven and warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?

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X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-6-11

Employee	Charisse G. Tucker	Appeal Date	7/22/10
Agency	HFS	Decision Date	3/09/11
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Violation of Employee Handbook Sections 605; 605.1a#3, #10, #11, and #12; 610.2; and 610.4	Proposal for Decision	Dismissed subject to Commission approval; settled.

DA-37-11

Employee	James C. Hatfield	Appeal Date	2/14/11
Agency	DHS	Decision Date	2/25/11
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming a state employee	Proposal for Decision	Dismissed subject to Commission approval; withdrawn.

S-38-11

Employee	Michael P. White	Appeal Date	2/16/11
Agency	DOC	Decision Date	3/03/11
Type	Suspension	ALJ	Andrew Barris
Charge(s)	Unauthorized absence	Proposal for Decision	Dismissed subject to Commission approval; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?

XI. STAFF REPORT

XII. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, April 15, 2011 at 11:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN